

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTRE, 500 MATTERSON DRIVE
Tuesday, June 27, 2023 at 4:00 PM

Present: **Chair:** Mayor McEwen
 Council: Councillors Hoar, Kennington, and Mafei (via Zoom)
 Staff: Duane Lawrence, Chief Administrative Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 James MacIntosh, Director of Engineering Services
 Joseph Rotenberg, Manager of Corporate Services
 Monica Whitney-Brown, Planning Assistant
 Samantha McCullough, Executive Assistant

Regrets: Councillor Anderson

1. CALL TO ORDER

The meeting was called to order at 4:00 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?I?ATH

Council acknowledged the Yuulu?i?ath, on whose traditional territories the District of Ucluelet operates.

1.2 NOTICE OF VIDEO RECORDING

Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

2. CLOSED SESSION

2.1 Procedural Motion to Move In-Camera

2023.2171.REGULAR *It was moved and seconded **THAT** the meeting be closed to the public in order to address agenda items under Section 90(1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and, (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report]) of the Community Charter.*

CARRIED.

The meeting was closed to the public at 4:06 PM. The meeting returned to open session at 4:34 PM.

3. LATE ITEMS

3.1 Correspondence related to DVP for Subdivision Servicing - Lot 16 Marine Drive/ 449 Drive

3.2 Correspondence related to LOT 16 - Request to Modify Restrictive Covenant CA9460685

4. APPROVAL OF THE AGENDA

4.1 June 27, 2023 Regular Council Meeting Agenda

The Mayor noted the late correspondence items and the Staff request to remove item 8.10.

2023.2172.REGULAR *It was moved and seconded **THAT** the agenda be amended by deleting item 8.10.*

CARRIED.

2023.2173.REGULAR *It was moved and seconded **THAT** the agenda be further amended by adding:*

1. *"Correspondence related to DVP for Subdivision Servicing - Lot 16 Marine Drive/ 449 Drive" as appendix "E" to report item 8.5; and,*
2. *"Correspondence related to LOT 16 - Request to Modify Restrictive Covenant CA9460685" as correspondence item 10.3.*

CARRIED.

2023.2174.REGULAR *It was moved and seconded **THAT** the June 27, 2023, Regular Council Meeting Agenda be approved as amended.*

CARRIED.

5. ADOPTION OF MINUTES

5.1 June 8, 2023 Regular Council Meeting Minutes

2023.2175.REGULAR *It was moved and seconded **THAT** the June 8, 2023 Regular Council Meeting Minutes be adopted as presented.*

CARRIED.

6. PUBLIC INPUT & DELEGATIONS

6.1 Delegations

Ucluelet RCMP - Quarterly Policing Update
Sgt. Marc Jones

Sergeant Jones introduced Constable Jed Simcones. The Constable provided background about his experience with the RCMP.

Sergeant Jones presented the Monthly Policing Report. He noted crime rates are similar to previous years, with the exception of impaired driving offences which are up and prisoner numbers which are down. Sergeant Jones also noted that the RCMP are seeking community volunteers and addressed Council questions related to the guarding program, changing crime rates, the number of cells at the detachment, victim services referrals and restorative justice.

7. UNFINISHED BUSINESS

There was no unfinished business

8. REPORTS

8.1 Environmental and Development Variance Permit - 1567 Imperial Lane

Bruce Grieg, Director of Community Planning

Mr. Greig presented this report.

The applicant was invited to address Council. He did not address Council.

Members of the public were invited to comment on the Development Variance Permit. There was no public input on this Development Variance Permit.

Council discussed the application and noted the importance of protecting the Eelgrass Beds in the affected intertidal zone.

2023.2176.REGULAR *It was moved and seconded **THAT** Council, with regard to the proposed dock and associated structural works proposed at 1567 Imperial Lane:*

- a. authorize the Director of Community Planning to execute and issue Development Variance Permit 23-04 for the construction of a dock and associated structures; and,*
- b. authorize the Director of Community Planning to execute and issue Development Permit 23-02 to allow a dock to be constructed in an Environmental Development Permit Area.*

CARRIED.

**8.2 Environmental Development Permit/ Development Variance Permit
1656 Bay St**

Monica Whitney-Brown, Planning Assistant

Ms. Whitney-Brown presented this report.

In response to Council questions, Ms. Whitney-Brown clarified that the land clearing completed on site was done without an environmental development permit.

The applicant, Mr. Hampel, addressed Council and explained that the land was cleared to remove danger trees caused by a winter storm and he was not aware that this clearing would impact the riparian zone.

Members of the public were invited to comment on the Development Variance Permit. There was no public input.

2023.2177.REGULAR *It was moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Development Variance Permit DVP23-10 to allow the construction of an addition to a single-family dwelling 16 metres from the natural boundary of a watercourse.*

DEFEATED.

8.3 Development Variance Permit for 1333 Pine Road Monica Whitney- Brown, Planning Assistant

Ms. Whitney-Brown presented this report.

The applicant was invited to address Council. The applicant, Andrea Wardrop, noted that the unit will be used to house visiting family members, provide long-term staff housing, and as a B&B.

Members of the public were invited to comment on the Development Variance Permit. There was no public input.

Council discussed the property, and noted the Development Variance Permit would require the removal of vegetation which the owners and residents in the area hope to retain.

2023.2178.REGULAR *It was moved and seconded **THAT** Council direct staff to give public notice for development variance permit 23-08 to eliminate parking requirements for a proposed B&B use at 1333 Pine Road.*

CARRIED.

8.4 DVP for Residential Addition at 272 Main Street John Towgood, Municipal Planner

Mr. Greig presented this report.

In response to Council questions, Mr. Greig clarified the:

- the proposed project is an addition to the existing building;

- the residential unit in the existing building unit would be retained; and
- the addition may not be used for nightly rentals.

The applicant was invited to address Council. The applicant did not speak.

Members of the public were invited to comment on the Development Variance Permit.

- Patricia Sieber, resident, noted concerns with the height of the addition and impact on views from private properties on Peninsula Road. She also noted that an affected neighbour was unable to attend this meeting.
- Louis Madfiford, resident, noted that the addition is located near his home and concerns with the additions' height, impact on views and impact on his privacy.

In response to Council questions, Staff clarified that views from private property are not protected by the District's design guidelines established in the Official Community Plan and the addition does not require a variance for height.

2023.2179.REGULAR *It was moved and seconded **THAT** Council, in regard to the proposed residential addition at 272 Main Street (Lot 1, District Lot 282, Clayoquot District, Plan 12287):*

- a. authorize the Director of Community Planning to execute and issue Development Variance Permit 23-05 to allow a three-storey residential addition; and,*
- b. authorize the Director of Community Planning to execute and issue Development Permit 22-03 for Form and Character of the proposed three-storey residential addition.*

CARRIED.

2023.2180.REGULAR *It was moved and seconded **THAT** the meeting be recessed for five minutes.*

CARRIED.

The meeting was recessed at 5:30 PM. The meeting reconvened at 5:36 PM.

8.5 DVP for Subdivision Servicing - Lot 16 Marine Drive/ 449 Matterson Drive
Bruce Greig, Director of Community Planning

Mr. Greig presented this report.

In response to Council questions, Mr. Greig described the relationship between Development Variance Permit conditions and subdivision approval. He also provided detail about conditions related to the construction of proposed sidewalks in Lot 16 and traffic management in the proposed development.

The applicant was invited to address Council. The applicant's agent, Rod Milner, was available to respond to Council questions.

Members of the public were invited to comment on the Development Variance Permit.

- Mayco Noël, 1302 Victoria Road, objected to the road access to Lot 16 from Victoria Road. He noted concerns with increased traffic on Victoria Road, pedestrian safety, and the developer's traffic study.
- Mike Grandboise, 1328 Victoria Road, read excerpts from his letter which was included in the agenda package. He objected to the road access to Lot 16 from Victoria Road and noted concerns with increased traffic, pedestrian safety, the developer's traffic study, and the narrow width of Victoria Road. Mr. Grandboise also noted that more members of the public have objected to this project than supported it. He recommended that Council consider alternate road access options.
- Bailey Labrie, 406 Orca Crescent, spoke in support of the development. She noted the need for housing in general and the need for rental housing in particular. Ms. Labrie also highlighted the importance of infill development.
- Kim Clarke, 401 Marine Drive, requested clarification related to the placement of the access road to the development. Ms. Clark noted that Victoria Road residents were not aware that the location of the access roads had been approved.

Mr. Greig clarified the future location of the access roads to Lot 16 which are off of Victoria Road and Marine Drive. There is also access to the parking lot for the proposed apartment building from Matterson Drive. This access would connect with the development's interior roads. Mr. Greig outlined the rationale for the location of these access roads and noted that a condition of the rezoning of Lot 16 included a covenant, which among other things, required access from Victoria Road.

- Ms. Clarke advocated for the apartment to be constructed as the first phase of the development. She further noted concerns with the impact of the Victoria Road access road on local residents

and encouraged Council to seek additional public feedback. She raised concerns with the width of Victoria Road.

- The applicant's agent noted that it would be possible to proceed with the development without the variances related to road widths.
- Monique Copeland, 1309 Victoria Road, noted concerns with increased vehicle traffic on Victoria Road as well as increased density and the pace of growth in Ucluelet.
- Mayco Noël spoke a second time and raised issues with access off of Victoria Road and encouraged Council to consider alternate access routes off of Marine Drive.
- Kim Clarke, spoke for a second time in opposition to access off of Victoria Road.
- Myles Morrison, 1497 Victoria Road, noted concerns with access off of Victoria Road and advocated against the road width variance. Mr. Morrison also opposes the apartment building location.

Council discussed Option B presented in the report. They further discussed limiting the use of the Victoria Road access road to emergency purposes.

Mr. Greig outlined cost and procedural implications associated with changing the location of access roads to this development at this stage of the process. He further clarified that the proposed variances are not related to the location of the access roads.

2023.2181.REGULAR *It was moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Development Variance Permit DVP23-03 for the road dedication and servicing of the proposed subdivision on the property at Lot 16 District Lot 281 Clayoquot District Plan VIP76214 Except part in plans VIP80735, VIP83067 and VIP86140 ("Lot 16"), subject to meeting the conditions listed in the permit prior to final subdivision approval.*

CARRIED.

2023.2182.REGULAR *It was moved and seconded **THAT** Council indicate acceptance that the proposed 5,381m2 park land dedication shown on the proposed "Lot Layout Concept drawing by Williamson and Associates Professional Surveyors - revision 1" dated June 29, 2022, for the proposed subdivision of Lot 16 as fulfilling the developer's requirements under section 510 of the Local Government Act and as proposed by the developer and agreed under covenant CA9460685.*

CARRIED.

2023.2183.REGULAR

It was moved and seconded THAT Council direct Staff to investigate transitioning the future road access point from Victoria Road into the Lot 16 development as an emergency access only.

CARRIED.

8.6 Larch Road Multi-Use Path Design, Costs, and Next Steps
James MacIntosh, Director of Engineering Services

Mr. MacIntosh presented this report including the design proposal, construction options with corresponding costs, and funding possibilities.

Mr. MacIntosh addressed Council questions about alternate elements which could be eliminated from the project rather than path paving.

Council discussed not paving the path at this point in time and noted accessibility concerns and motorists impacts.

2023.2184.REGULAR *It was moved and seconded:*

- **THAT** Council direct staff to defer paving of the Larch Road multi-use path to a future year and prepare a tender for the construction of the project as presented in report No. 23-90; and further,
- **THAT** Council direct staff to include paving of the Larch Road multi-use path in the 2024 Five-Year Capital Plan for consideration.

DEFEATED.

2023.2185.REGULAR *It was moved and seconded THAT Council endorse the Larch Road Multi-Use Path design as presented in report 23- 90 and direct staff to prepare a tender for the construction of the project.*

CARRIED.

8.7 Flood Hazard Data Use and Sharing Agreement
Joseph Rotenberg, Manager of Corporate Services

Mr. Rotenberg presented this report.

2023.2186.REGULAR *It was moved and seconded THAT Council authorize the Mayor and Corporate Officer to execute an agreement with the Province of British Columbia known as the Flood Hazard Mapping Studies Data Use and Sharing Agreement.*

CARRIED.

8.8 LOT 16 - Request to Modify Restrictive Covenant CA9460685
Bruce Greig, Director of Community Planning

Mr. Greig presented this report.

The proponent's representative, Cody Dreiger, outlined the history of the development and the proponent's investment to date. He also

responded to concerns that were raised online, noted challenges with financing construction of the apartment in the first phase of the development, and explained that if the covenant is not modified the developer may be forced to choose between shelving the project or selling the property.

After moving option A, Council noted:

- that the proposed seven year window to construct the apartment building is too long;
- the apartment should be constructed within this Council's term;
- construction costs will only rise, so financing may continue to be an issue in the future;
- approval of the rezoning for this site hinged on construction of the rental apartment building in the first phase of development;
- \$500,000 contribution is not sufficient given the rising cost of land and construction;
- concerns with the message that modifying this restrictive covenant would send to the development community; and
- the need to seek additional public input on the matter if Council were to proceed with the requested covenant modification.

2023.2187.REGULAR *It was moved and seconded **THAT** Council direct staff to work with the owners of Lot 16 to provide a draft covenant modification to include a timeline and assurance in the form of land and/or monetary commitments to ensure the construction of the proposed rental apartment building, consistent with the intent of the 2021 rezoning approval.*

DEFEATED.

2023.2188.REGULAR *It was moved and seconded **THAT** the meeting be extended beyond three and a half hours.*

CARRIED.

The meeting was extended at 7:27 PM.

2023.2189.REGULAR *It was moved and seconded **THAT** Council maintain the restrictive covenant charge CA9460685 on the title of the Lot 16 property as previously agreed by the owner.*

CARRIED.

8.9 UBCM Minister Meetings *Duane Lawrence, CAO*

Mr. Lawrence presented this report.

2023.2190.REGULAR *It was moved and seconded **THAT** Council direct staff to submit ministerial meeting requests to the Ministry of Health regarding increased specialist care in rural municipalities and increased resident physician care to service increased visitor populations and the Ministry of Forests regarding tabular*

stumpage rates for the 2023 Union of British Columbia Municipalities conference.

CARRIED.

9. NOTICE OF MOTION

Councillor Maftai left the meeting at 7:37 PM.

There were no notices of motion.

10. CORRESPONDENCE

**10.1 Coalition of Child Care Advocates of BC
*Sharon Gregson, Spokesperson \$10aDay***

Council discussed challenges with the \$10 a day daycare funding program.

**10.2 Province of British Columbia's Home for People Action Plan
*Peter Jones, Mayor - District of North Saanich***

10.3 Correspondence related to LOT 16 - Request to Modify Restrictive Covenant CA9460685

11. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS

**11.1 Councillor Shawn Anderson
*Deputy Mayor, April 1 - June 30, 2023***

**11.2 Councillor Jennifer Hoar
*Deputy Mayor, January 1 - March 31, 2023***

Councillor Hoar attended the Wild Pacific Trail Society Board meeting. She noted programming offered by the Society and its partnerships with other community groups.

Councillor Hoar also attended the June 20th Committee of the Whole meeting. At this meeting community groups updated Council on operations and projects.

**11.3 Councillor Ian Kennington
*Deputy Mayor, July 1 - September 30, 2023***

**11.4 Councillor Mark Maftai
*Deputy Mayor, October 1 - December 31, 2023***

11.5 Mayor Marilyn McEwen

The Mayor noted Canada Day celebrations planned for the Village Green on Saturday.

Mayor McEwen:

- met with the Lot 16 developers on June 9th;
- attended a banquet for Van Isle 360 on June 13th;
- attended Barkley Community Forest Board and Alberni-Clayoquot Regional (ACRD) District Board meetings on June 14th. The West Coast Transit Service contract was awarded at the ACRD meeting. Local transit service begins in January;
- participated in many interviews related to the road closure on June 15th and met with MLA Osborne to discuss this issue on June 16th;
- attended the June 20th Committee of the Whole meeting; and
- attended the Ucluelet Secondary School grand opening on June 21st as well as a Tourism Ucluelet Board meeting and a meeting with the owners of the Hyphocus property.

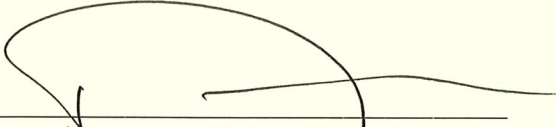
12. QUESTION PERIOD

- Kim Clarke, 401 Marine Drive, thanked Mayor and Council for their decision related to item 8.8.
- Margarett Morrison, 1497 Victoria Road, echoed Kim's comments.
- Myles Morrison noted interest in providing a delegation on restorative justice in the region.
- At the request of the Mayor, the Clerk read emails from Alexandra Amor and Jacqueline Holiday in opposition to the covenant modification requested under item 8.8. These emails were received after the late items which were added to this agenda were published.

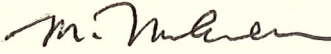
13. ADJOURNMENT

The meeting was adjourned at 7:53 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, June 27, 2023 at 4:00 pm in the Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.



Duane Lawrence, Corporate Officer



Marilyn McEwen, Mayor